

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

DANIEL RENDON-HERRERA, :

a/k/a "Don Mario," :

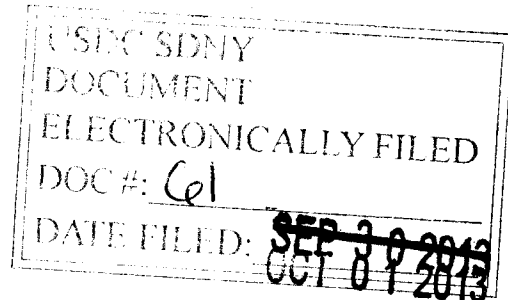
a/k/a "El Viejo," :

a/k/a "El Tio," :

a/k/a "La Senora," :

Defendant. :

- - - - - x



INDICTMENT

S6 04 Cr. 962 (LAP)

COUNT ONE

(Conspiracy to Provide Material Support
to a Foreign Terrorist Organization)

The Grand Jury charges:

Background of the Conspiracy

1. The Autodefensas Unidas de Colombia ("AUC") was founded in 1997 as an umbrella group uniting a number of paramilitary bands in Colombia. The AUC was a right-wing organization whose main political objective was to defeat the left-wing Fuerzas Armadas Revolucionarios de Colombia ("FARC") in armed conflict, and remove FARC sympathizers from government and positions of influence in Colombia.

2. At all times relevant to this Indictment, the AUC carried out its political objectives through kidnappings,

violent attacks, and the mass murder of civilians claimed by the AUC to be FARC sympathizers. The AUC and its commanders financed their terrorist activities by imposing "taxes" on the cocaine trafficked through AUC-controlled areas. That is, AUC commanders, including DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, required payment from the drug traffickers who shipped drugs through or stored drugs within the AUC commanders' territory, often on a per-kilogram basis. The proceeds of those "taxes" were used to fund the purchase of military-grade weapons for use by the AUC, among other things. The AUC was designated by the U.S. State Department as a Foreign Terrorist Organization on September 10, 2001, and as a Specially Designated Global Terrorist Organization on October 31, 2001, and it remains so designated.

3. At all times relevant to this Indictment, the AUC was organized in individual bloques. Each AUC bloque controlled a separate area of Colombia. The Bloque Elmer Cardenas ("BEC"), its successor bloque, the Bloque Gaitanistas de Colombia ("AGC"), the Bloque Centauros ("Centauros"), and their predecessor bloques were all part of the AUC. The BEC, AGC, and Centauros, among other bloques, were responsible for securing and maintaining AUC control over areas of the Departments of Cordoba and Antioquia in Colombia. Between in or about 2004 and

in or about 2006, a co-conspirator not named as a defendant herein ("CC-1") commanded the BEC.

4. In or about 2006, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, took control of the BEC and reconstituted the BEC as the AGC. RENDON-HERRERA subsequently led the AGC until his arrest in Colombia on April 15, 2009. In his capacity as leader of those bloques, RENDON-HERRERA controlled areas in Colombia used by narco-traffickers to ship huge quantities of cocaine from Colombia to the United States. By April 2009, RENDON-HERRERA commanded 16 or 17 bloques covering an area that stretched from La Guajira to the Gulf of Morrosquillo, Colombia.

5. From in or about 2001 through in or about April 2009, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, supported the AUC by providing the AUC with money, weapons, and personnel. Among other things, RENDON-HERRERA collected "taxes" from the narcotics traffickers who moved cocaine through areas that he controlled, and used those proceeds, in part, to purchase military-grade weaponry that he supplied to his AUC fighters.

6. On or about April 15, 2009, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio,"

a/k/a "La Senora," the defendant, was captured by the Colombian National Police ("CNP") near Turbo in the Department of Antioquia, Colombia.

Statutory Allegations

7. From at least in or about 2001, up to and including at least in or about April 2009, in an offense in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or District of the United States, including Colombia and elsewhere, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, the AUC, which was designated by the U.S. Secretary of State as a foreign terrorist organization on or about September 10, 2001, pursuant to Section 219 of the Immigration and Nationality Act; which has remained on the list of designees since that time; and which is currently designated as such, as of the date of filing of this Indictment.

8. It was a part and an object of the conspiracy that DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo,"

a/k/a "El Tio," a/k/a "La Senora," the defendant, and others known and unknown, would and did provide the AUC with weapons, narcotics proceeds, personnel, and other support and resources, knowing that the AUC had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and knowing that the AUC had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

9. In furtherance of the conspiracy and to effect the illegal object thereof, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, committed the following overt acts, among others:

a. In or about 2001, in Colombia, RENDON-HERRERA established checkpoints on the roads under Centauros's control to ensure that drug transporters who moved narcotics through the area had paid the appropriate "tax."

b. In or about September 2001, in Colombia, RENDON-HERRERA attended a meeting of AUC commanders where the risks of importing cocaine into the United States -- including extradition to the United States to face criminal charges -- were discussed.

c. In or about 2005 or 2006, in Colombia, RENDON-HERRERA paid approximately \$100 per kilogram of cocaine in "taxes" to a co-conspirator not named as a defendant herein ("CC-2") so that RENDON-HERRERA could transport narcotics through territory controlled by CC-2.

d. In or about March 2008, RENDON-HERRERA made videotaped statements regarding, among other things, his membership in the AUC.

e. In or about April 2008, in Colombia, RENDON-HERRERA possessed assault rifles, ammunition, grenades, camouflage uniforms, and military backpacks.

(Title 18, United States Code, Sections 2339B(a)(1), 2339B(d)(1), and 3238.)

COUNT TWO

(Narcotics Importation Conspiracy)

The Grand Jury further charges:

10. The allegations contained in paragraphs 1 through 6 and 9 are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

Statutory Allegations

11. From at least in or about 1997 up to and including at least in or about April 2009, in an offense in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or District

of the United States, including Colombia and elsewhere, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

12. It was a part and an object of the conspiracy that DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and others known and unknown, would and did import into the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 812, 952(a), and 960(a)(1).

13. It was further a part and an object of the conspiracy that DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and others known and unknown, would and did distribute a controlled substance, intending and knowing that such substance would be imported into the United States from a place outside thereof and into waters within a distances of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 812, 959(a), and 960(a)(3).

14. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B)(ii).

Overt Acts

15. In furtherance of the conspiracy and to effect the illegal objects thereof, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 9 of this Indictment, which are fully incorporated by reference herein.

(Title 21, United States Code, Section 963;
Title 18, United States Code, Section 3238.)

COUNT THREE

(Narco-Terrorism Conspiracy)

The Grand Jury further charges:

16. The allegations contained in paragraphs 1 through 6 and 9 are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

17. From at least in or about March 2006 up to and including in or about April 2009, in an offense in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or District of the United States, including in Colombia and elsewhere, DANIEL

RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 21, United States Code, Section 960a.

18. It was a part and an object of said conspiracy that DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and others known and unknown, would and did engage in conduct occurring in and affecting interstate and foreign commerce that would be punishable under Title 21, United States Code, Section 841(a) if committed within the jurisdiction of the United States, to wit, the manufacture, distribution, and possession with intent to manufacture and distribute, of five kilograms and more of a substance containing a detectable amount of cocaine, knowing and intending to provide, directly and indirectly, something of pecuniary value to a person and organization that has engaged and engages in terrorist activity and terrorism, as defined in Title 8, United States Code, Section 1182(a)(3)(B), and Title 22, United States Code, Section 2656f(d)(2), to wit, the AUC and its members, operatives, and associates, having knowledge that said person and organization has engaged in and engages in terrorism and terrorist activity, which activity violates the

criminal laws of the United States, and occurs in and affects interstate and foreign commerce, in violation of Title 21, United States Code, Section 960a.

Overt Acts

19. In furtherance of the conspiracy and to effect the illegal object thereof, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 9 of this Indictment, which are fully incorporated by reference herein.

(Title 21, United States Code, Section 960a;
Title 18, United States Code, Section 3238.)

FORFEITURE ALLEGATION AS TO COUNT ONE

20. The allegation contained in Count One of the Indictment is hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c).

21. The violation of Title 18, United States Code, Section 2339B alleged in Count One of this Indictment is an act of international terrorism, as defined in Title 18, United States Code, Section 2331, against an international organization or foreign government.

22. Upon conviction of the offense alleged in Count One of this Indictment, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(iv) and Title 28, United States Code, Section 2461(c), all right, title, and interest in all assets, foreign and domestic.

23. Upon conviction of the offense alleged in Count One of this Indictment, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the said offense, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the said offense, and all property traceable thereto.

(Title 18, United States Code, Sections 981(a)(1)(C) and 981(a)(1)(G); Title 28, United States Code, Section 2461(c).)

FORFEITURE ALLEGATIONS AS TO COUNTS TWO AND THREE

24. As a result of committing the controlled substance offenses alleged in Counts Two and Three of this Indictment, DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El

Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting and derived from any proceeds that RENDON-HERRERA obtained directly and indirectly as a result of the said violations and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts Two and Three of this Indictment, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of these offenses.

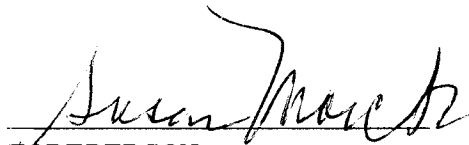
Substitute Assets Provision


25. If any of the property described above as being subject to forfeiture, as a result of any act or omission of DANIEL RENDON-HERRERA, a/k/a "Don Mario," a/k/a "El Viejo," a/k/a "El Tio," a/k/a "La Senora," the defendant,

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value;
- or

e. has been commingled with other property which cannot be divided without difficulty, it is the intention of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture of any other property of RENDON-HERRERA up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981(a)(1)(C) and 981(a)(1)(G); Title 21, United States Code, Sections 853 and 970; Title 28, United States Code, Section 2461(c).)


FOREPERSON


PREET BHARARA
United States Attorney

